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27 28 Michael D. McGranahan Trustee in Bankruptcy P.O. Box 5018 Modesto, CA 95352 Phone: (209) 524-1782

THE UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA MODESTO DIVISION

Case No.: 10-91990 In re:

DC NO.: MDM-1 AVERY, RANDY & WENDY

Chapter 7

Date: September 22, 2010 Debtor(s). Time: 10:30 a.m.

1200 "I" Street, Ste. 4 Place: Modesto CA 95354

Hon: Ronald H. Sargis Judge:

MOTION TO ABANDON REAL PROPERTY

TO: THE HONORABLE U.S. BANKRUPTCY JUDGE:

MICHAEL D. McGRANAHAN, the duly qualified and acting Trustee in this case, pursuant to 11 U.S.C. § 554 (a) and Bankruptcy Rule 6007, respectfully represents:

- The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1134 and § 157 (a). On May 25, 2010, the debtors filed a petition under Chapter 7 and MICHAEL D. McGRANAHAN was appointed as Trustee. On July 29, 2010 the First Meeting of Creditors was held and concluded as an Asset Case.
- 2. Among the assets which constitute property of the estate is the real property commonly described as:

A. 3716 Jarena Drive, Modesto, CA, 95357 ("Property A")

3. The aforementioned properties have the following values and encumbrances:

<u>PROPERTY</u>	<u>VALUE</u>	<u>DEBT</u>
Property A	\$174,000	\$293,000

- 4. Property A listed above, taking into account mortgages, liens, debtor exemptions, and costs of sale, has no equity for the benefit of the estate. Therefore, said Property is over-encumbered and burdensome to the estate.
- 5. The estate would potentially suffer detrimental tax consequences should the Property be foreclosed upon during the pendency of the case.

WHEREFORE, the Trustee requests the Court to examine the facts and circumstances in connection with this matter, and authorize the Trustee to abandon the above-described real property back to the debtors on the grounds it is burdensome and of inconsequential value to the estate, and for such other and further relief as the Court may deem just and proper.

DATED: August 3, 2010

/s/ Michael D. McGranahan MICHAEL D. McGRANAHAN Trustee